

Introduced by Senator Migden
(Principal coauthor: Assembly Member Laird)

February 16, 2007

An act to amend Section 2852 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 324, as introduced, Migden. Electricity: solar energy: low-income residential housing.

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations, as defined. A decision of the PUC adopted the California Solar Initiative under which the PUC will oversee a program to promote solar energy technologies, administered by electrical corporations and gas corporations, for commercial and residential customers, funded through electrical corporation and gas corporation revenues and collected from gas and electric utility distribution rates. Existing law requires the PUC to ensure that not less than 10% of the funds for the California Solar Initiative are utilized for the installation of solar energy systems, as defined, on low-income residential housing, as defined, and authorizes the PUC to incorporate a revolving loan or loan guarantee program into the California Solar Initiative for low-income residential housing.

This bill would expand that definition of low-income residential housing to include residential housing that is occupied by individuals eligible for the commission's California Alternative Rates for Energy (CARE) program or the Low-Income Energy Efficiency (LIEE) program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2852 of the Public Utilities Code is
2 amended to read:
3 2852. (a) As used in this section, the following terms have the
4 following meanings:
5 (1) “California Solar Initiative” means the program providing
6 ratepayer funded incentives for eligible solar energy systems
7 adopted by the Public Utilities Commission in Decision 05-12-044
8 and Decision 06-01-024.
9 (2) “Low-income residential housing” means ~~either~~ any of the
10 following:
11 (A) Residential housing financed with low-income housing tax
12 credits, tax-exempt mortgage revenue bonds, general obligation
13 bonds, or local, state, or federal loans or grants, and for which the
14 rents of the occupants who are lower income households, as defined
15 in Section 50079.5 of the Health and Safety Code, do not exceed
16 those prescribed by deed restrictions or regulatory agreements
17 pursuant to the terms of the financing or financial assistance.
18 (B) A residential complex in which at least 20 percent of the
19 total units are sold or rented to lower income households, as defined
20 in Section 50079.5 of the Health and Safety Code, and the housing
21 units targeted for lower income households are subject to a deed
22 restriction or affordability covenant with a public entity that ensures
23 that the units will be available at an affordable housing cost, as
24 defined in Section 50052.5 of the Health and Safety Code, or at
25 an affordable rent, as defined in Section 50053 of the Health and
26 Safety Code for a period of at least 30 years.
27 (C) *Residential housing that is occupied by individuals eligible*
28 *for the commission’s California Alternative Rates for Energy*
29 *(CARE) program or the Low-Income Energy Efficiency (LIEE)*
30 *program.*
31 (3) “Solar energy system” means a solar energy device that has
32 the primary purpose of providing for the collection and distribution
33 of solar energy for the generation of electricity, that produces at
34 least one kilowatt, and except for a solar energy device for a
35 nonprofit building, produces not more than five megawatts,

1 alternating current rated peak electricity, and that meets or exceeds
2 the eligibility criteria established by the commission or the State
3 Energy Resources Conservation and Development Commission.

4 (b) In establishing the California Solar Initiative, no moneys
5 shall be diverted from any existing programs for low-income
6 ratepayers, or from cost-effective energy efficiency or demand
7 response programs.

8 (c) (1) The commission shall ensure that not less than 10 percent
9 of the funds for the California Solar Initiative are utilized for the
10 installation of solar energy systems on low-income residential
11 housing. Notwithstanding any other law, the commission may
12 modify the monetary incentives made available pursuant to the
13 California Solar Initiative to accommodate the limited financial
14 resources of low-income residential housing.

15 (2) The commission may incorporate a revolving loan or loan
16 guarantee program into the California Solar Initiative for
17 low-income residential housing. All loans outstanding as of January
18 1, 2016, shall continue to be repaid consistent with the terms and
19 conditions of the program adopted and implemented by the
20 commission pursuant to this subdivision, until repaid in full.

21 (3) All moneys set aside for the purpose of funding the
22 installation of solar energy systems on low-income residential
23 housing that are unexpended and unencumbered on January 1,
24 2016, and all moneys thereafter repaid pursuant to paragraph (2),
25 except to the extent those moneys are encumbered pursuant to this
26 section, shall be utilized to augment existing cost-effective energy
27 efficiency measures in low-income residential housing that benefit
28 ratepayers.